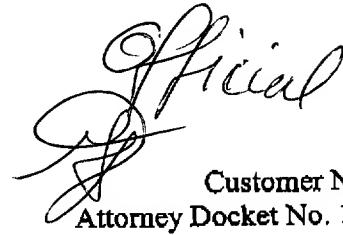


#40



PATENT
Customer No. 22,852
Attorney Docket No. 1147.0142

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:)
U.S. Patent No. 5,750,338)
Mark L. Collins et al.) Group Art Unit: 1655
Reissue Serial No.: 09/533,906) Examiner: D. JOHANNSEN
Filed: March 8, 2000)
For: TARGET AND BACKGROUND)
CAPTURE METHODS WITH)
AMPLIFICATION FOR AFFINITY)
ASSAYS)

REISSUE LITIGATION BOX

Commissioner for Patents
Washington, DC 20231

Sir:

**THIRD SUPPLEMENTAL REISSUE DECLARATION
UNDER 37 C.F.R. §§ 1.172 and 1.175**

As a duly authorized representative of the assignee of the entire interest in this patent, I, Norval B. Galloway, do hereby state and declare as follows:

1. I am the counsel of record for Vysis, Inc., the Assignee of the entire right, title, and interest in U.S. Patent No. 5,750,338, as set forth in the Reissue Declaration filed March 8, 2000, and the Supplemental Reissue Declaration filed March 8, 2002, and, accordingly, I am empowered to sign this paper on behalf of the Assignee.

2. I believe that Mark L. Collins, Donald N. Halbert, Walter King, and Jonathan M. Lawrie are the original and first joint inventors of the subject matter which is described and

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claimed in United States Patent No. 5,750,338, granted on May 12, 1998, and this reissue application on the invention entitled "Target and Background Capture Methods with Amplification for Affinity Assays."

3. All errors which are being corrected in the present reissue application up to the time of the filing of this third supplemental declaration, and which are not covered by a prior declaration submitted in this application, arose without any deceptive intent on the part of the applicants.

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

VYSIS, INC.

May 31, 2002

Date

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FACSIMILE TRANSMITTAL

To: Gary Jones - AV 1655
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Fax No.: (703) 746-5111 Phone No.: _____
Reissue Application No. 09/533,906
Subject: Atty. Doc. 1147.0142 Date: June 11, 2002

From: Charles E. Van Horn, Reg. No. 40,266 Phone No.: 202-408-4072
Fax # Verified by: CEVH No. of Pages (incl. this page) 3

Confirmation Copy to Follow: No

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R § 1.8

I hereby certify that the attached paper, "Third Supplemental Reissue Declaration Under 37 C.F.R. §§ 1.172 and 1.175," is being transmitted by facsimile to the U.S. Patent and Trademark Office on the above-identified date.

CEVH

Charles E. Van Horn
Reg. No. 40,266

CEVH/clw

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